REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-13 are pending. Claims 1-4 and 6-13 have been rejected. Claim 5 has been objected to. Of the pending rejected claims, claims 1, 2, 3 and 8-13 are independent in form. Claims 5, 8, 9 and 10 are herein amended. No new matter has been presented.

Claim Rejections under 35 U.S.C. §112

Claims 8 and 9 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the phrase "the angular shift a light source" is indicated as missing a word. Claims 8 and 9 are amended for clarity. Applicant respectfully submits that these rejections have been satisfied by the amendments to claims 8 and 9 presented herein and that the rejections be withdrawn.

Although not rejected, claim 10 included similar language as claim 8 and 9 and is similarly amended.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 8, 9, 11 and 12 have been rejected under 35 USC §102(b) as allegedly being anticipated by Japanese patent document 11-145,033 by Ozawa ("Ozawa"), that was cited on a previously submitted PTO-1449; claims 1-4 and 6-13 under 35 USC §102(a) as allegedly being anticipated by Japanese patent document 2000-77315 by Tsuji et al. ("Tsuji-JP")

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. which was also cited on a previously submitted PTO-1449; and claims 1, 2, 8, 9, 11 and 12 under

35 USC §102(e) as allegedly being anticipated by Tsuji et al. (USP 6,542,222; "Tsuji-US").

As will be discussed in further detail, Applicant respectfully disagrees with the

stated rejections.

With regard to the rejection of independent claims 1, 2, 8, 9, 11 and 12 as being

anticipated by Ozawa, the Examiner appears to assume that element (X-axis) 40 and element (Y

axis) 42 correspond to the converter of the present invention. However, elements 40 and 42 of

Ozawa do not serve to convert a positional shift between optical axes or a shift between an

optical path into an angular shift. In other words, Ozawa does not have an angular corrector

corrected after the positional shift between the optical axes or the shift between the optical path

are converted into the angular shift as in the present invention. Therefore, Ozawa must correct

the positional shift between the optical axes or the shift between the optical path by parallel

movements of a reflecting position.

As a result, Ozawa does not disclose at least the limitation of "a converter for

converting a positional shift between the optical axes into an angular shift, and an angular

corrector for correcting the angular shift" as recited in claims 1, 8 and 11, or "a converter for

converting a shift between the optical paths into an angular shift, and an angular corrector for

correcting the angular shift" as recited in claims 2, 9 and 12

Thus, claims 1, 2, 8, 9, 11 and 12 are not anticipated by nor rendered obvious in

view of Ozawa.

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With regard to the rejection of claims 1-4 and 6-13 as allegedly being anticipated by Tsuji-JP, the Examiner appears to assume that element (X axis) 24X and element (Y axis) 24Y correspond to the converter of the present invention. However, element 24X and 24Y of Tsuji-JP do not serve to convert a positional shift between optical axes or a shift between an optical path into an angular shift. In other words, Tsuji-JP does not have an angular corrector corrected after the positional shift between the optical axes or the shift between the optical path are converted into the angular shift as in the present invention. Therefore, Tsuji-JP must correct the positional shift between the optical axes or the shift between the optical path by parallel movements of a reflecting position.

As a result, Tsuji-JP does not disclose at least the limitation of "a converter for converting a positional shift between the optical axes into an angular shift, and an angular corrector for correcting the angular shift" as recited in claims 1, 8 and 11, "a converter for converting a shift between the optical paths into an angular shift, and an angular corrector for correcting the angular shift" as recited in claims 2, 9 and 12, or "a first angular corrector for correcting an angular shift between the optical axes, a converter for converting a positional shift between the optical axes into an angular shift, and a second angular corrector for correcting the converted angular shift" as recited in claims 3, 10 or 13.

Thus, claims 1, 2, 3, 8, 9, 10, 11, 12 and 13 are not anticipated by nor rendered obvious in view of Tsuji-JP.

Applicant has not independently addressed the rejections of dependent claims 4, 6 and 7 because these claims depend from independent claim 3, and are believed allowable for at

least the same reason as for claim 3. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

With regard to the rejection of independent claims 1, 2, 8, 9, 11 and 12 as allegedly being anticipated by Tsuji-US, the Examiner appears to assume that mirror M of Tsuji-US corresponds to the converter of the present invention. However, mirror M of Tsuji-US does not serve to convert a positional shift between optical axes or a shift between an optical path into an angular shift. In other words, Tsuji-US does not have an angular corrector corrected after the positional shift between the optical axes or the shift between the optical path are converted into the angular shift as in the present invention. Therefore, Tsuji-US must correct the positional shift between the optical axes or the shift between the optical path by parallel movements of a reflecting position.

As a result, Tsuji-US does not disclose at least the limitation of "a converter for converting a positional shift between the optical axes into an angular shift, and an angular corrector for correcting the angular shift" as recited in claims 1, 8 and 11, or "a converter for converting a shift between the optical paths into an angular shift, and an angular corrector for correcting the angular shift" as recited in claims 2, 9 and 12.

Thus, claims 1, 2, 8, 9, 11 and 12 are believed not anticipated by nor rendered obvious in view of Tsuji-US.

Claim Objections/ Allowable Subject Matter

Claim 5 has been objected to as being dependent upon a rejected base claim but as otherwise containing allowable subject matter. Claim 5 has been herein amended to be

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independent in form. Applicant respectfully request that this objection be withdrawn and that claim 5 be allowed.

Accordingly, Applicant respectfully submits that the inventions as recited in the claims 1-13 as presented herein are neither anticipated by nor rendered obvious in view of, and are therefore allowable over, the art of record, taken alone or in combination and respectfully request that the respective rejections and objections be withdrawn.

<u>CONCLUSION</u>

All the rejections/objections of claims having been addressed and the claims as presented herein being believed allowable, Applicant submits that the application is hereby placed in condition for allowance which action is earnestly solicited.

A petition for a one-month extension of time is filed herewith, extending the time for responding until January 26, 2004. While the petitioned extension of time is believed sufficient to render this filing timely, should an additional extension be necessary, such is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be due, or credit any overpayment, to Deposit Account No. 13-4500, Order No. <u>1232-4793</u>. A

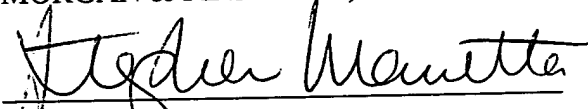**DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

If any outstanding issues remain, however, the Examiner is invited to contact the

undersigned at the telephone number below.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: <u>January 26, 2004</u>   By:

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